

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

Kevin Lewis,

Plaintiff,

vs.

Credit Management, LP, a foreign limited
partnership,

Defendant.

Case No.:

JURY DEMAND

COMPLAINT

NOW COMES THE PLAINTIFF, KEVIN LEWIS, BY AND THROUGH
COUNSEL, and for his Complaint against the Defendant, pleads as follows:

JURISDICTION

1. This court has jurisdiction under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.

VENUE

2. The transactions and occurrences which give rise to this action occurred in the City of Memphis, Shelby County, Tennessee.
3. Venue is proper in the Western District of Tennessee Western Division

PARTIES

4. Plaintiff is a natural person residing in City of Memphis, Shelby County, Tennessee.
5. The Defendant Credit Management, LP is a foreign limited partnership that conducts business in the State of Tennessee.

GENERAL ALLEGATIONS

6. Defendant is attempting to collect a consumer type debt allegedly owed by Plaintiff to Comcast Cable in the amount of \$648.00 (“the alleged Debt”).
7. Plaintiff disputes the alleged Debt.
8. On April 9, 2020, Plaintiff obtained his Equifax and Trans Union credit disclosures and noticed Defendant reporting the alleged Debt.
9. On or about May 3, 2020, Plaintiff sent Defendant a letter disputing the alleged Debt.
10. On July 2, 2020, Plaintiff obtained his Equifax credit disclosure and noticed Defendant last reported the trade line reflected by the alleged Debt to June 5, 2020 and failed or refused to flag its trade line as disputed, in violation of the FDCPA.
11. In the credit reporting industry, data furnishers, such as the Defendant, communicate electronically with the credit bureaus.

12. Defendant had more than ample time to instruct Experian, Equifax, and Trans Union to flag its trade line as Disputed.

13. Defendant's inaction to have its trade line on Plaintiff's credit reports flagged as disputed was either negligent or willful.

14. Plaintiff suffered pecuniary and emotional damages as a result of Defendant's actions. His credit report continues to be damaged due to the Defendant's failure to properly report the associated trade line.

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

15. Plaintiff reincorporates the preceding allegations by reference.

16. At all relevant times, Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

17. Plaintiff is a "consumer" for purposes of the FDCPA, and the account at issue in this case is a consumer debt.

18. Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).

19. Defendant's foregoing acts in attempting to collect these alleged debts violated 15 U.S.C. §1692e(8) of the FDCPA by communicating to any

person credit information, which is known to be false or should be known to be false, including failure to report a disputed debt as disputed.

20.To date, and a direct and proximate cause of the Defendant's failure to honor its statutory obligations under the FDCPA, the Plaintiff's credit report continues to be damaged due to the Defendant's failure to properly report the associated trade line. .

21.Plaintiff has suffered economic, emotional, general, and statutory damages as a result of these violations of the FDCPA.

DEMAND FOR JUDGMENT RELIEF

Accordingly, Plaintiff requests that the Court grant him the following relief against the Defendant:

- a. Actual damages;
- b. Statutory damages;
- c. Statutory costs and attorneys' fees; and
- d. Such other and further as is deemed just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by Jury.

DATED: August 25, 2020

/s/ Susan S. Lafferty

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